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Sharply Split, House Passes Broad Medicare Overhaul

By **ROBERT PEAR**
and **ROBIN TONER**

WASHINGTON, Nov. 22 — A fiercely polarized House approved legislation on Saturday that would add prescription drug benefits to Medicare, after an all-night session and an extraordinary bout of Republican arm-twisting to muster a majority. The Senate opened its debate under threat of a filibuster.

The final version of the bill, a compromise worked out by House and Senate negotiators, was adopted in the House by a vote of 220 to 215. But a roll-call vote, which rarely exceeds 20 minutes, began at 3 a.m. and was held open for nearly three hours, as Republican leaders and Bush administration officials scrambled to quell a conservative rebellion.

As the voting drew on, a few lawmakers fell asleep, but still it was not gaveled to an end. Eventually, just before dawn, after a series of small dramas played out in the milling crowd on the House floor, a few lawmakers switched their votes and put the bill over the top.

Democrats, who overwhelmingly opposed the legislation, asserted that the Republicans had won illegitimately, "Florida style," Nancy Pelosi, the House Democratic leader, put it. Republican leaders dismissed the criticism, elated at finally delivering legislation that was six years in the making.

The legislation, which calls for the biggest changes in Medicare since its creation in 1965, tries to reconcile two often-conflicting goals: expanding Medicare's benefits and making the program more cost efficient. The bill would offer a new drug benefit to the 40 million elderly and disabled Americans covered by Medicare, beginning in 2006.

Within hours of the House vote, the Senate began considering the Medicare legislation, aiming toward a final vote on Monday. Republican strategists had expected passage to be easier in the Senate.

But Senator Edward M. Kennedy of Massachusetts, decrying the House vote, said he would attempt to filibuster the Medicare bill. Mr. Kennedy conceded, though, that it would be an uphill fight given that the Democratic leadership does not support blocking a vote and other Democrats have indicated their intention to vote for the overall measure.

"It was a phony vote in the House of Representatives and now they are trying to jam us in the Senate of the United States," said Mr. Kennedy on Saturday, noting that his fellow Democratic senator from Massachusetts, John Kerry, would be returning from his presidential campaign to join the filibuster effort.

To force a vote, Bill Frist, the Senate majority leader, took procedural steps on Saturday evening to require a vote to cut off debate on Monday.

The House and the Senate were in session this weekend as lawmakers attempted to complete work on several measures in time to adjourn for the year before Thanksgiving. To do that, they were also assembling a catch-all spending bill on a wide range of government programs.

In another significant vote, the House passed a bill that would for the first time protect Internet users from unwanted commercial e-mail messages, or spam. The vote was 392 to 5, and if minor differences from a bill that has already passed the Senate can be quickly resolved, it too could be ready for President Bush's signature next week.

Mr. Bush, who lobbied hard for the Medicare bill and called several wavering House members from Air Force One, hailed the vote in the House and urged the Senate to follow its example.

"In the nearly 40 years since Medicare was launched, this is the most significant opportunity for any Congress to improve health coverage for our seniors," Mr. Bush said in his radio address.

Throughout the day on Saturday, Senate advocates of the measure and its opponents made their cases in floor speeches. Another dozen or more were planning to take the floor on Sunday.

"We are on the verge of an historic bait and switch," said Senator Jack Reed, Democrat of Rhode Island, who said he believed the Republican motivation behind the proposal was to begin to unravel Medicare.

But Senator Olympia Snowe, Republican of Maine, said the measure was the culmination of a decade of work, calling it "legislation that will forever change the face of Medicare, providing every senior in American with a prescription drug benefit."

The legislation would transform the government insurance program by substantially expanding the role of private health plans, which many Republicans believe will eventually be more efficient. To stimulate development of such health plans, the bill would provide billions of dollars in new federal subsidies. It would also create new tax incentives for people of all ages to set aside money in savings accounts for their own medical expenses.

Throughout the House debate, Democrats asserted that the legislation would undermine and ultimately privatize Medicare, by forcing it to compete with private plans that would be heavily subsidized by the federal government and would cherry-pick the healthiest recipients.

Invoking the Democratic Party's heritage as a creator of Medicare under Lyndon B. Johnson, Ms. Pelosi declared: "Republicans have offered up a Trojan horse, a deceptive gift intended to win their 40-year war against Medicare. This is the beginning of the end of Medicare as we know it."

But J. Dennis Hastert of Illinois, the speaker of the House, argued the legislation would mean "low-income seniors will never be confronted with the choice of putting food on the table or paying for lifesaving prescription drugs."

The final vote generally followed party lines. Sixteen Democrats voted for the measure, and 25 Republicans, most of them conservatives, voted no. But the final tally came after a night of high legislative drama.

For most of the three hours of voting, the legislation appeared headed for defeat in the hushed House chamber. Most lawmakers quietly watched the count, projected on a rear wall of the chamber.

Meanwhile, Mr. Hastert and his allies prowled the aisles, searching for potential switchers. He threw his arm around one lawmaker after another, making his case. He was joined by Tommy G. Thompson, secretary of health and human services.

C.L. "Butch" Otter of Idaho and Trent Franks of Arizona, both Republicans, were among the conservatives who yielded to the pressure.

"I did not want to vote for this bill," said Mr. Otter, who also received a telephone call from the president. "But I was persuaded that if this bill went down, we would end up with a bigger, more expensive alternative with much less reform."

In the end, the vote suddenly shifted from 216 to 218, where it had long been stalled, to 218 to 216, and finally, to 220 to 215. Democrats reacted in fury. "This vote has been held open longer than any I can remember," said Representative Steny H. Hoyer, Democrat of Maryland and the Democratic whip. Hissing came from the Republican side of the aisle, along with a shout to "Give it up!"

Representative David Dreier, Republican of California and chairman of the Rules Committee, said later: "This was in complete compliance with the rules of the House. Members have a minimum of 15 minutes to vote."

Democrats were urged to stand together by their leadership. Many argued that the legislation was, essentially, laden with giveaways for insurers and drug companies while offering the elderly only a meager benefit.

The most generous assistance would go to people with low incomes or very high drug bills. After the beneficiary met a \$250 deductible, Medicare would cover 75 percent of drug costs up to \$2,250 a year. Coverage would then be suspended until the individual had spent \$3,600 out of pocket, and at that point Medicare would pay 95 percent of the cost of each prescription.

Overall, a beneficiary would pay \$3,600 of the first \$5,100 of drug costs, and that does not include the premium, expected to average \$35 a month, or \$420 a year, in 2006, when the benefit would start. For a more typical beneficiary, with drug costs of \$2,000, Medicare would cover about two-thirds of the costs.

The House passed Medicare drug bills in 2000 and 2002, only to see them die in the Senate. The original House bill this year was passed by one vote, and the roll call took nearly an hour, as Republican leaders squeezed votes from members of their caucus.

This time, Republican strategists voiced optimism, but acknowledged that eventually they had to find the votes on the floor.

Some lawmakers resisted their entreaties. Representative Nick Smith, Republican of Michigan, was, at various times, surrounded by Mr. Hastert, Mr. Thompson and other senior Republicans. He did not budge.

Senate Republicans engaged in arm-twisting of their own in the hope of salvaging a major energy bill that was blocked Friday by a filibuster mounted by members of both parties. Officials said Saturday that the leadership was still trying to exert pressure to win over at least two senators needed to break the filibuster and force a vote on the measure, the president's other chief domestic initiative. Aides said there would be no second effort to cut off debate before Monday.

It was unclear when Congress might complete its work on remaining spending bills. House and Senate negotiators were assembling a \$390 billion measure that incorporates seven bills that have not passed, a task made easier by a decision by lawmakers to give up a fight against a new White House plan to change work rules governing overtime. Aides said the Senate would like to pass the measure and adjourn Tuesday. House members may have to return after Thanksgiving to pass it.

Carl Hulse contributed reporting for this article.

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